IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 104 of 2005

Between:

S. Venkata Swamy, S/o. Late Rangaih,
Retired Employee, R/o. H.No.16-1-480,
Poosala Basti, Saidabad, Hyderabad.

..... PETITIONER

AND

1 Commissioner & Inspector General Stamps & Registrarion,

Golkonda X Roads, Musheerabad, Hyderabad.
2 District Registrar, Rangareddy Dsitrict, Mossapet, R.R.District.
3 The Accountant General, A.P. Office Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents, in withholding the petitioners pension and gratuity, as illegal, void and arbitrary and consequently direct the respondents herein to release the petitioners pension and gratuity including the arrears and to pass such other order or orders.

Counsel for the Petitioner: MR.CHANDRASEKHAR REDDY GOPIREDDY

Counsel for the Respondent Nos.1 to 3: GP FOR STAMPS REGISTRATION

The Court at the admission stage made the following:

ORDER:

Declaring the action of the respondents in withholding the petitioner's pension and gratuity, as illegal and arbitrary, the present writ petition is filed.

The learned Counsel for the petitioner contended that as per the directions of the Family Court, the retirement benefits have not been paid to the petitioner, and that the original petition was withdrawn as conciliation took place in between the parties, and as on today there is no impediment for respondents to pay the retirement benefits to the petitioner, and he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Registration and Stamps contended that in view of prohibitory orders passed by the competent Civil Court, the retirement benefits and gratuity have not been paid to the petitioner, and hence, there is no need to give a direction in this regard.

The factual matrix is not in dispute. The respondents have to take appropriate decision as to whether the petitioner is entitled for the pension and gratuity. According to the learned Counsel for the petitioner, the main O.P. was closed with no relief as withdrawn. Therefore, there is no impediment for the respondents to take appropriate decision for payment of pension and gratuity to the petitioner in accordance with law.

In that view of the matter, the respondents are directed to consider the case of the petitioner for payment of pension and gratuity, in accordance with law, on production of all the documents including the order dated 21.10.2003 in I.A.Nos.569/2001 and 571/2001 in O.P.No.766/2000 on the file of the Family Court, Hyderabad, within a period of 2 (two) months from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 30.03.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner & Inspector General,

Stamps & Registration, Golkonda ‘X” Roads,

Musheerabad, Hyderabad

2. The District Registrar,

Rangareddy District, Moosapet,

R.R.District

3. The Accountant General.

A.P.Office Saifabad, Hyderabad

4. Two CCs to the Government Pleader

for Registration and Stamps, High Court

Buildings, Hyderabad (OUT)

5. Two CD copies

*Form-NIC-OGS/WP{**JGK**}*